

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington corporation,

CASE NO. C10-1823-JLR

DECLARATION OF PHILIP S.
MCCUNE IN SUPPORT OF
MOTOROLA'S AND MICROSOFT'S
JOINT CLAIM CHART

MOTOROLA, INC., and MOTOROLA
MOBILITY, INC., and GENERAL
INSTRUMENT CORPORATION,

Defendants.

MOTOROLA MOBILITY, INC., and
GENERAL INSTRUMENT CORPORATION,

Plaintiffs/Counterclaim Defendant,

v.

MICROSOFT CORPORATION.

Defendant/Counterclaim Plaintiff.

DECLARATION OF PHILIP S. MCCUNE IN SUPPORT OF
MOTOROLA'S AND MICROSOFT'S JOINT CLAIM CHART
CASE NO. C10-1823-JLR

SUMMIT LAW GROUP PLLC
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1 I, PHILIP S. MCCUNE, hereby declare as follows:

2 1. I am one of the attorneys for Defendants Motorola Solutions, Inc. (formerly
3 Motorola, Inc.), Motorola Mobility, Ind., and General Instrument Corporation in this lawsuit. I
4 make this declaration based on my own personal knowledge.

5 2. I submit this declaration in support of the parties' Joint Claim Chart.

6 3. Attached as Exhibit A to the Joint Claim Chart is a true and correct copy of United
7 States Patent No. 7, 310,374 B2, dated December 18, 2007 (bates numbered
8 MOTM_WASH1823_0027872 – 0027891).

9 4. Attached as Exhibit B to the Joint Claim Chart is a true and correct copy of United
10 States Patent No. US 7,310,375 B2, dated December 18, 2007 (bates numbered
11 MOTM_WASH1823_0027892 –0027911).

12 5. Attached as Exhibit C to the Joint Claim Chart is a true and correct copy of United
13 States Patent No. US 7,310,376 B2, dated December 18, 2007 (bates numbered
14 MOTM_WASH1823_0027912 –0027931).

15 6. Attached as Exhibit D to the Joint Claim Chart is a true and correct copy of United
16 States Patent No. US 6,339,780 B1, dated January 15, 2002 (bates numbered
17 MOTM_WASH1823_0050283 –0050292).

18 7. Attached as Exhibit E to the Joint Claim Chart is a true and correct copy of United
19 States Patent No. US 7,411,582 B2, dated August 12, 2008 (bates numbered
20 MOTM_WASH1823_0051268 –0051286).

21 8. Attached as Exhibit F to the Joint Claim Chart is a true and correct copy of
22 Response to Office Action Dated November 26, 1999, regarding Application Serial
23 No. 08/851,877 (bates numbered MOTM_WASH1823_0050368 – 0050385, 0050401 – 0050413,
24 0050424 – 0050448, 0050459 – 0050488, 0050506 – 0050536, 0050549 – 0050556).

1 9. Attached as Exhibit G to the Joint Claim Chart is a true and correct copy of
2 Amendment and Response to Office Action Dated May 3, 2006, regarding Application Number
3 10/989,877 (bates numbered MOTM_WASH1823_0051077 – 0051093, 0050991 – 0051006).

4 10. Attached as Exhibit H to the Joint Claim Chart is a true and correct copy of
5 Amendment and Response to Office Action dated July 30, 2002, regarding Serial No. 10/072,111
6 (bates numbered MOTM_WASH1823_0050803 – 0050819, 0050831 – 0050862).

7 11. Attached as Exhibit I to the Joint Claim Chart is a true and correct copy of
8 Amendment and Response to Office Action dated May 9, 2000, regarding Serial No. 08/991,277
9 (bates numbered MOTM_WASH1823_0050101 – 0050114, 0049955 – 0050007).

10 12. Attached as Exhibit J to the Joint Claim Chart is a true and correct copy of
11 Amendment to Office Action dated September 6, 2006, regarding Serial No. 11/026,394 (bates
12 numbered MOTM_WASH1823_0047407 – 0047420, 0047431 – 0047440).

13 13. Attached as Exhibit K to the Joint Claim Chart is a true and correct copy of the File
14 History for 60/333,921 (bates numbered MOTM_WASH1823_0336272 – 0336312).

15 14. Attached as Exhibit L to the Joint Claim Chart is a true and correct copy of the File
16 History for 60/395,734 (bates numbered MOTM_WASH1823_0336313 – 0336324).

17 15. Attached as Exhibit M to the Joint Claim Chart is a true and correct copy of the File
18 History for 60/398,161 (bates numbered MOTM_WASH1823_0336325 – 0336334).

19 16. Attached as Exhibit N to the Joint Claim Chart is a true and correct copy of Joint
20 Final Committee Draft (JFCD) of Joint Video Specification ISO/IEC 14496-10 AVC (bates
21 numbered MS-MOTO_1823_00001461755 – 00001461972).

22 17. Attached as Exhibit O to the Joint Claim Chart is a true and correct copy of United
23 States Patent No. 5,504,530, dated April 2, 1996 (bates numbered MS-
24 MOTO_1823_00005194957 – 00005195000).

1 18. Attached as Exhibit P to the Joint Claim Chart is a true and correct copy of excerpts
2 from Webster's II New College Dictionary (bates numbered MOTM_WASH1823_0336213 –
3 0336215).

4 19. Attached as Exhibit Q to the Joint Claim Chart is a true and correct copy of
5 excerpts from the American Heritage College Dictionary, Third Edition (bates numbered
6 MOTM_WASH1823_0336187 – 0336189).

7 20. Attached as Exhibit R to the Joint Claim Chart is a true and correct copy of
8 excerpts from Microsoft Press Computer Dictionary, Third Edition (bates numbered
9 MOTM_WASH1823_0336190 –0336199), and Trinity System Thermal Design Change Summary
10 Status as of 5/22/09 (bates numbered MS-MOTO_1823_00000336229 – 00000336238).

11 21. Attached as Exhibit S to the Joint Claim Chart is a true and correct copy of excerpts
12 from Random House Webster's Computer & Internet Dictionary, Third Edition (bates numbered
13 MOTM_WASH1823_0336200 – 0336207).

14 22. Attached as Exhibit T to the Joint Claim Chart is a true and correct copy of
15 excerpts from Webster's New World Dictionary of Computer Terms, Seventh Edition (bates
16 numbered MOTM_WASH1823_0336216 – 0336224).

17 23. Attached as Exhibit U to the Joint Claim Chart is a true and correct copy of
18 excerpts from Microsoft Press Inside Ole, Second Edition, by Kraig Brockschmidt (bates
19 numbered MOTM_WASH1823_0337263 – 0337304, 0337305 – 0337325, 0337372 – 0337374,
20 0337479).

21 24. Attached as Exhibit V to the Joint Claim Chart is a true and correct copy of
22 excerpts from The Windows Interface Guidelines for Software Design (bates numbered
23 MOTM_WASH1823_0336268 – 0336271).

24 25. Attached as Exhibit W to the Joint Claim Chart is a true and correct copy of United
25 States Patent No. 5,670,773, dated June 2, 1998.

26. Attached as Exhibit X to the Joint Claim Chart is a true and correct copy of Recommendation ITU-T H.264, Advanced video coding for generic audiovisual services (bates numbered MOTM_WASH1823_0055376 – 0055380, 0055402 – 0055405).

27. Attached as Exhibit Y to the Joint Claim Chart is a true and correct copy of
Overview of the H.264/AVC Video Coding Standard, IEEE Transactions on Circuits and Systems
for Video Technology, July 2003 (bates numbered MOTM_WASH1823_0336706 – 0336722).

28. Attached as Exhibit Z to the Joint Claim Chart is a true and correct copy of *Rate-Distortion Optimization for Video Compression*, IEEE Signal Processing Magazine, November 1998 (bates numbered MOTM_WASH1823_0336346 – 0336362).

29. Attached as Exhibit AA to the Joint Claim Chart is a true and correct copy of *Removal of Motion Uncertainty and Quantization Noise in Motion Compensation*, IEEE Transactions on Circuits and Systems for Video Technology, January 2001 (bates numbered MOTM_WASH1823_0336335 – 0336345).

I declare under penalty of the laws of perjury that the foregoing is true and correct.

Executed this 6th day of January, 2012, at Seattle, Washington.

/s/ Philip S. McCune

Philip S. McCune

DECLARATION OF PHILIP S. MCCUNE IN SUPPORT OF
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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 6th day of January, 2012.

/s/ Marcia A. Ripley
Marcia A. Ripley

DECLARATION OF PHILIP S. MCCUNE IN SUPPORT OF
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CHART - 5
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